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To:	Examiner Paul T. Chin, Group 3652	From:	Thomas M. Small
Fax:	(571) 273-8300	Pages:	3 including cover sheet
Phone:		Date:	September 9, 2005
Your Ref.:	Application No. 10/620,665	Our Ref.:	L8344-01003
Re:	Response to Restriction Requirement	CC:	
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PATENT
L8344-01003

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant:	KARIMI, Jamshid	Conf.: 8648
Appl. No.:	10/620,665	Group: 3652
Filed:	July 16, 2002	Examiner: CHIN, Paul T.
For:	PET REFUSE TOOL AND METHOD	

RESPONSE TO RESTRICTION REQUIREMENTCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

September 9, 2005

Sir:

In response to the Office Action mailed August 10, 2005, Applicant hereby elects restriction to the invention of claims 1-29, Group I. These are drawn to a pet refuse tool.

Applicant further elects the species of FIGS. 1-6 and 8-13 for prosecution on the merits. It is respectfully submitted that these should not be regarded as patentably distinct from the species of FIGS. 19A-C, in which the jaws (upper and lower) are differently shaped but similar in function.

Applicant further traverses the requirement for restriction as between the tool and the method claims. The examiner refers to "materially different products such as waste collection devices...." It is respectfully submitted that the invention is a waste collection device and not necessarily different from a "rake" or other tool having a gripping head and used with a bag in the manner defined by the method claims. In fact, it is believed that such a method would not be patentably distinct.

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Appl. No. 10/620,665

Reconsideration is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Thomas M. Small (Reg. No. 20,379) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: 
Thomas M. Small, #20,379

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